

## CHAPTER 518C

## REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT

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**518C.01 PURPOSES.**

The purposes of sections 518C.01 to 518C.36 are to improve and extend by reciprocal legislation the enforcement of the duties of support.

*History: 1982 c 436 s 1*

**518C.02 DEFINITIONS.**

Subdivision 1. **Terms.** For the purposes of sections 518C.01 to 518C.36, the terms defined in this section shall have the meanings given to them.

Subd. 2. **Court.** "Court" means the district or a county court of this state and, when the context requires, means the court of another state as defined in a substantially similar reciprocal law.

Subd. 3. **Duty of support.** "Duty of support" means a duty of support, whether imposed or imposable by law or by order, decree or judgment of a court, whether interlocutory or final, or whether incidental to an action for divorce, separation, separate maintenance or otherwise and includes the duty to pay arrearages of support past due and unpaid.

Subd. 4. **Governor.** "Governor" includes a person performing the functions of governor or the executive authority of any state covered by sections 518C.01 to 518C.36.

Subd. 5. **Initiating state; initiating court.** "Initiating state" means a state in which a proceeding under this or a substantially similar reciprocal law is commenced. "Initiating court" means the court in which a proceeding is commenced.

Subd. 6. **Law.** "Law" includes both common and statutory law.

Subd. 7. **Obligee.** "Obligee" means a person, including a state or political subdivision, to whom a duty of support is owed or a person, including a state or a political subdivision, that has commenced a proceeding for enforcement of an alleged duty of support or for registration of a support order. It is immaterial if the person to whom a duty of support is owed is a recipient of public assistance.

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Subd. 8. **Obligor.** "Obligor" means a person owing a duty of support or against whom a proceeding for the enforcement of a duty of support or registration of a support order is commenced.

Subd. 9. **Prosecuting attorney.** "Prosecuting attorney" means the public official in the appropriate place who has the duty to enforce criminal laws relating to the failure to provide for the support of any person.

Subd. 10. **Register.** "Register" means to file in the office of the clerk of the court.

Subd. 11. **Registering court.** "Registering court" means a court of this state in which a support order of a rendering state is registered.

Subd. 12. **Rendering state.** "Rendering state" means a state in which a court has issued a support order for which registration is sought or granted in the court of another state.

Subd. 13. **Responding state; responding court.** "Responding state" means a state in which any responsive proceeding under a proceeding in the initiating state is commenced. "Responding court" means the court in which a responsive proceeding is commenced.

Subd. 14. **State.** "State" includes a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and a foreign jurisdiction in which this or a substantially similar reciprocal law is in effect.

Subd. 15. **Support order.** "Support order" means a judgment, decree or order of support in favor of an obligee, whether temporary or final, or subject to modification, revocation, or remission, regardless of the kind of action or proceeding in which it is entered.

**History:** 1982 c 436 s 2

## 518C.03 HOW DUTIES OF SUPPORT ENFORCED.

All duties of support, including the duty to pay arrearages, are enforceable by a proceeding under sections 518C.01 to 518C.36, including a proceeding for civil contempt. The defense that the parties are immune to suit because of their relationship as husband and wife, or parent and child is not available to the obligor.

**History:** 1982 c 436 s 3

## 518C.04 RULES OF CIVIL PROCEDURE.

The rules of civil procedure for the district court apply to proceedings under sections 518C.01 to 518C.36, except as otherwise provided therein.

**History:** 1982 c 436 s 4

## 518C.05 JURISDICTION.

Except in Hennepin and Ramsey counties, jurisdiction of a proceeding under sections 518C.01 to 518C.36 is vested in the county court. In Hennepin and Ramsey counties, jurisdiction of a proceeding under sections 518C.01 to 518C.36 is vested in the district court.

**History:** 1982 c 436 s 5

## 518C.06 CONTENTS AND FILING OF PETITION FOR SUPPORT; VENUE.

Subdivision 1. **Contents.** The petition shall be verified and shall state the name and, so far as known to the obligee, the address and circumstances of the obligor and the persons for whom support is sought, and all other pertinent

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information. The obligee may include in or attach to the petition any information that may help in locating, or identifying, the obligor, including a photograph of the obligor, a description of any distinguishing marks on his person, other names and aliases by which he has been or is known, the name of his employer, his fingerprints and his social security number.

Subd. 2. **Filing.** The petition may be filed in the appropriate court of a state in which the obligee resides. The court shall not decline or refuse to accept and forward the petition on the ground that it should have been filed with some other court of this or any other state where there is pending another action for divorce, separation, annulment, dissolution, habeas corpus, adoption, or custody between the same parties, or where another court has already issued a support order in some proceeding and has retained jurisdiction for its enforcement.

**History:** 1982 c 436 s 6

## **518C.07 PROSECUTING ATTORNEY TO REPRESENT OBLIGEE.**

If this state is acting as an initiating state, the prosecuting attorney shall represent the obligee in a proceeding under sections 518C.01 to 518C.36. If the prosecuting attorney neglects or refuses to represent the obligee, the attorney general may undertake the representation. In addition to the foregoing representation, an attorney retained by the obligee may represent the obligee in a proceeding under sections 518C.01 to 518C.36.

**History:** 1982 c 436 s 7

## **518C.08 PETITION FOR A MINOR.**

A petition on behalf of a minor obligee may be executed and filed by a person having legal custody of the minor without appointment as guardian ad litem.

**History:** 1982 c 436 s 8

## **518C.09 DUTY OF INITIATING COURT.**

If the initiating court finds that the petition sets forth facts from which it may be determined that the obligor owes a duty of support, and that a court of the responding state may obtain jurisdiction of the obligor or his property, it shall so certify and cause three copies of the petition and its certificate and one copy of sections 518C.01 to 518C.36 to be sent to the responding court. Certification shall be in accordance with the requirements of the initiating state. If the name and address of the responding court are unknown and the responding state has an information agency comparable to that established in the initiating state, it shall cause the copies to be sent to the state information agency or other proper official of the responding state, with a request that the agency or official forward them to the proper court and that the court of the responding state acknowledge their receipt to the initiating court.

**History:** 1982 c 436 s 9

## **518C.10 COURT COSTS AND FEES.**

An initiating court shall not require payment of either a filing fee or other costs from the obligee, but may request the responding court to collect fees and costs from the obligor. A responding court shall not require payment of a filing fee or other costs from the obligee, but it may direct that all fees and costs requested by the initiating court and incurred in this state when acting as a responding state, including fees for filing of pleadings, service of process, seizure of property,

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stenographic or duplication service, or other service supplied to the obligor, be paid, in whole or in part, by the obligor or by the state or political subdivision thereof. These costs or fees do not have priority over amounts due to the obligee.

**History:** 1982 c 436 s 10

## 518C.11 JURISDICTION BY ARREST.

If the court of this state believes that the obligor may flee it may:

(1) As an initiating court, request in its certificate that the responding court obtain the person of the obligor by appropriate process; or

(2) As a responding court, obtain the person of the obligor by appropriate process.

Thereupon, it may release him either upon his own recognizance or upon his giving a bond in an amount set by the court to assure his appearance at the hearing.

**History:** 1982 c 436 s 11

## 518C.12 DUTY OF THE COURT AND THE PROSECUTING ATTORNEY OF THIS STATE AS RESPONDING STATE.

Subdivision 1. **Docketing case.** After the responding court receives copies of the petition, the certificate and the substantially similar reciprocal act from the initiating court, the clerk of the court shall docket the case and notify the prosecuting attorney of his action.

Subd. 2. **Prosecution of case.** The prosecuting attorney shall prosecute the case diligently. He shall take all action necessary in accordance with the laws of this state to enable the court to obtain jurisdiction over the obligor or his property and shall request the court to set a time and place for a hearing and give notice thereof to the obligor in accordance with law.

Subd. 3. **Investigation by prosecuting attorney.** The prosecuting attorney, on his own initiative, shall use all means at his disposal to locate the obligor or his property, and if, because of inaccuracies in the petition or otherwise, the court cannot obtain jurisdiction, the prosecuting attorney shall inform the court of what he has done and request the court to continue the case pending receipt of more accurate information or an amended petition from the initiating court.

Subd. 4. **Obligor located in another county or state.** If the obligor or his property is not found in the county, and the prosecuting attorney discovers that the obligor or his property may be found in another county of this state, or another state, he shall so inform the court. Thereupon, the clerk of the court shall forward the documents received from the court in the initiating state to a court in the other county, or to a court in the other state, or to the information agency or other proper official of the other state, with a request that the documents be forwarded to the proper court. All powers and duties provided by sections 518C.01 to 518C.36 apply to the recipient of the documents so forwarded. If the clerk of a court of this state forwards documents to another court, he shall forthwith notify the initiating court.

Subd. 5. **No information.** If the prosecuting attorney has no information as to the location of the obligor or his property he shall so inform the initiating court.

**History:** 1982 c 436 s 12

## 518C.13 HEARING AND CONTINUANCE.

If the obligee is not present at the hearing and the obligor denies owing the duty of support alleged in the petition or offers evidence constituting a defense, the court, upon request of either party, shall continue the hearing to permit evidence relative to

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the duty to be adduced by either party by deposition or by appearing in person before the court. The court may designate the judge of the initiating court as a person before whom a deposition may be taken.

*History: 1982 c 436 s 13*

## **518C.14 IMMUNITY FROM CRIMINAL PROSECUTION.**

If, at a hearing, the obligor is called for examination as an adverse party and he declines to answer upon the ground that his testimony may tend to incriminate him, the court may require him to answer, in which event he is immune from criminal prosecution with respect to matters revealed by his testimony, except for perjury committed in his testimony.

*History: 1982 c 436 s 14*

## **518C.15 EVIDENCE OF HUSBAND AND WIFE.**

Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under sections 518C.01 to 518C.36. Husband and wife are competent witnesses and may be compelled to testify to a relevant matter, including marriage and parentage.

*History: 1982 c 436 s 15*

## **518C.16 RULES OF EVIDENCE.**

In any hearing for the civil enforcement of sections 518C.01 to 518C.36, the court is governed by the Minnesota rules of evidence. If the action is based on a support order issued by another court, a certified copy of the order shall be received as evidence of the duty of support, subject only to defenses available to an obligor with respect to paternity under section 518C.18 or to a defendant in an action or a proceeding to enforce a foreign money judgment. The determination or enforcement of a duty of support owed to one obligee is unaffected by interference by another obligee with rights of custody or visitation granted by a court.

*History: 1982 c 436 s 16*

## **518C.17 ORDER OF SUPPORT.**

Subdivision 1. **Issuance of order.** If the responding court finds a duty of support, it may order the obligor to furnish support or reimbursement therefor and subject the property of the obligor to the order. Support orders made under sections 518C.01 to 518C.36 shall require that payments be made as the responding court directs and the responding court shall order support payments under chapter 518. Every order for support shall provide for a conspicuous notice that, if the obligor fails to make the support payments, the obligee or a public agency responsible for support enforcement may obtain docketing of a judgment for the unpaid amounts under the provisions of section 548.091. The notice shall enumerate the conditions that must be met before the judgment can be docketed. The court and the prosecuting attorney of a county in which the obligor is present or has property have the same powers and duties to enforce the order as have those of the county in which it was first issued. If enforcement is impossible, or cannot be completed in the county in which the order was issued, the prosecuting attorney shall send a certified copy of the order to the prosecuting attorney of a county in which it appears that the proceedings to enforce the order would be effective. The prosecuting attorney to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order.

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Subd. 2. **Copy to initiating court.** The responding court shall cause a copy of each support order to be sent to the initiating court.

Subd. 3. **Additional powers of responding court.** In addition to the foregoing powers, a responding court may subject the obligor to the terms and conditions proper to assure compliance with orders and in particular to:

(1) Require the obligor to furnish a cash deposit or bond of a character and amount to assure payment of the amount due;

(2) Require the obligor to report personally and to make payments at specified intervals in the manner that the court directs; and

(3) Punish the obligor who violates an order of the court under the court's contempt power.

**History:** 1982 c 436 s 17; 1983 c 308 s 28; 1984 c 547 s 21

## 518C.18 PATERNITY.

If an obligor asserts as a defense that he is not the father of the child for whom support is sought and it appears to the court that the defense is not frivolous, and if both the parties are present at the hearing or the proof required in the case indicates that the presence of either or both of the parties is not necessary, the court may adjudicate the paternity issue. Otherwise the court may adjourn the hearing until the paternity issue has been adjudicated.

**History:** 1982 c 436 s 18

## 518C.19 PROCEEDINGS NOT TO BE STAYED.

A responding court shall not stay the proceeding or refuse a hearing under sections 518C.01 to 518C.36 because of a pending or prior action or proceeding for divorce, separation, annulment, dissolution, habeas corpus, adoption, or custody in this or another state. The court shall hold a hearing and may issue a support order pendente lite. In aid thereof, it may require the obligor to give a bond for the prompt prosecution of the pending proceeding. If the other action or proceeding is concluded before the hearing in the instant proceeding, and the judgment therein provides for the support demanded in the petition being heard, the court must conform its support order to the amount allowed in the action or proceeding. Thereafter, the court shall not stay enforcement of its support order because of the retention of jurisdiction for enforcement purposes by the court in the other action or proceeding.

**History:** 1982 c 436 s 19

## 518C.20 MULTIPLE SUPPORT ORDERS.

A support order made by a court of this state under sections 518C.01 to 518C.36 does not nullify and is not nullified by a support order made by a court of this state under another law or a support order made by a court of another state under a substantially similar act or another law, regardless of priority of issuance, unless specifically provided by the court. Amounts paid for a particular period under a support order made by the court of another state shall be credited against amounts accruing or accrued for the same period under a support order made by the court of this state.

**History:** 1982 c 436 s 20

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## **518C.21 EFFECT OF PARTICIPATION IN PROCEEDING.**

Participation in a proceeding under sections 518C.01 to 518C.36 does not confer jurisdiction upon a court over the parties thereto in another proceeding.

*History: 1982 c 436 s 21*

## **518C.22 REGISTRATION.**

If the duty of support is based on a foreign support order, the obligee may register the foreign support order in a court of this state in the manner, with the effect, and for the purposes herein provided.

*History: 1982 c 436 s 22*

## **518C.23 PROSECUTING ATTORNEY TO REPRESENT OBLIGEE.**

If this state is acting either as a rendering or a registering state, the prosecuting attorney shall represent the obligee in proceedings under sections 518C.22 to 518C.25. If the prosecuting attorney neglects or refuses to represent the obligee, the attorney general may undertake the representation. In addition to the preceding representation, an attorney retained by the obligee may represent him in interstate proceedings under sections 518C.22 to 518C.25.

*History: 1982 c 436 s 23*

## **518C.24 REGISTRATION PROCEDURE; NOTICE.**

Subdivision 1. **Procedure.** An obligee seeking to register a foreign support order in a court of this state shall transmit to the clerk of the court: (1) three certified copies of the order with all modifications thereof; (2) a copy of the reciprocal enforcement of support act of the state in which the order was made; and (3) a statement verified and signed by the obligee, showing the post office address of the obligee, the last known place of residence and post office address of the obligor, the amount of support remaining unpaid, a description and the location of property of the obligor available upon execution, and a list of the states in which the order is registered. Upon receipt of these documents, the clerk of the court, without payment of a filing fee or other costs to the obligee, shall file them. The filing constitutes registration under sections 518C.01 to 518C.36.

Subd. 2. **Duties after registration.** Promptly upon registration, the clerk of the court shall send, by certified or registered mail, a notice of the registration with a copy of the registered support order and the post office address of the obligee to the obligor at the address given. He shall also docket the case and notify the prosecuting attorney of his action. The prosecuting attorney shall proceed diligently to enforce the order.

*History: 1982 c 436 s 24*

## **518C.25 EFFECT OF REGISTRATION; ENFORCEMENT PROCEDURE.**

Subdivision 1. **Effect of registered foreign support order.** Upon registration, the registered foreign support order shall be treated in the same manner as a support order issued by a court of this state. It has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating, or staying as a support order of this state and may be enforced and satisfied in like manner.

Subd. 2. **Time to petition court to vacate order.** The obligor has 20 days after the mailing of notice of the registration in which to petition the court to vacate the registration or for other relief. If he does not so petition, the registered support order is confirmed.

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Subd. 3. **Hearing; stay of order.** At the hearing to enforce the registered support order, the obligor may present only matters that would be available to him as defenses in an action to enforce a foreign money judgment. If he shows to the court that an appeal from the order is pending or will be taken, or that a stay of execution has been granted, the court shall stay enforcement of the order until the appeal is concluded, the time for appeal has expired, or the order is vacated, upon satisfactory proof that the obligor has furnished security for payment of the support order, as required by the rendering state. If he shows to the court any ground upon which enforcement of a support order of this state may be stayed, the court shall stay enforcement of the order for an appropriate period if the obligor furnishes the same security for payment of the support order that is required for a support order of this state.

**History:** 1982 c 436 s 25

## 518C.26 REMEDIES OF STATE OR POLITICAL SUBDIVISION FURNISHING SUPPORT.

If a state or political subdivision furnishes support to an individual obligee, it has the same right as the individual obligee to initiate a proceeding under sections 518C.01 to 518C.36 to secure reimbursement for the support furnished and to obtain continuing support.

**History:** 1982 c 436 s 26

## 518C.27 PAYMENTS.

Subdivision 1. **Duties of responding court.** A responding court has the following duties that shall be carried out through the public authority responsible for support enforcement:

(1) To transmit to the initiating court a payment made by the obligor pursuant to an order of the court or otherwise; and

(2) To furnish to the initiating court, upon request, a certified statement of each payment made by the obligor.

Subd. 2. **Duties of initiating court.** An initiating court shall receive and disburse promptly each payment made by the obligor or sent by the responding court. This duty shall be carried out through the public authority responsible for support enforcement.

**History:** 1982 c 436 s 27

## 518C.28 CHOICE OF LAW.

Duties of support applicable under sections 518C.01 to 518C.36 are those imposed under the laws of the state where the obligor was present for the period during which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown.

**History:** 1982 c 436 s 28

## 518C.29 EXTENT OF DUTIES OF SUPPORT.

Duties of support arising under the law of this state, when applicable under section 518C.28, bind the obligor present in this state, regardless of the presence or residence of the obligee.

**History:** 1982 c 436 s 29



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## 518C.30 REMEDIES ADDITIONAL TO THOSE NOW EXISTING.

The remedies herein provided are in addition to, and not in substitution for, other remedies.

**History:** 1982 c 436 s 30

## 518C.31 INTERSTATE RENDITION.

The governor of this state may:

(1) Demand of the governor of another state the surrender of a person found in that state who is charged criminally in this state with failing to provide for the support of a person; or

(2) On demand by the governor of another state, surrender a person found in this state who is charged criminally in that state with failing to provide for the support of a person. Provisions for extradition of criminals, not inconsistent with sections 518C.01 to 518C.36, apply to the demand even if the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and has not fled therefrom. The demand, the oath, and proceedings for extradition under this section need not state or show that the person whose surrender is demanded has fled from justice or at the time of the commission of the crime was in the demanding state.

**History:** 1982 c 436 s 31

## 518C.32 CONDITIONS OF INTERSTATE RENDITION.

Subdivision 1. **Demand of other state.** Before making the demand upon the governor of another state for the surrender of a person charged criminally in this state with failing to provide for the support of a person, the governor of this state may require a prosecuting attorney of this state to satisfy him that the obligee initiated proceedings for support under sections 518C.01 to 518C.36 at least 60 days earlier or that such proceedings would be of no avail.

Subd. 2. **Demand by other state.** If, under a substantially similar reciprocal law, the governor of another state makes a demand upon the governor of this state for the surrender of a person charged criminally in that state with failure to provide for the support of a person, the governor may require a prosecuting attorney to investigate the demand and to report to him whether proceedings for support have been initiated or would be effective. If it appears to the governor that a proceeding would be effective but has not been initiated, he may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

Subd. 3. **Refusal of demand.** If proceedings have been initiated and the person demanded has prevailed therein, the governor may decline to honor the demand. If the obligee prevailed and the person demanded is subject to a support order, the governor may decline to honor the demand if the person demanded is complying with the support order.

**History:** 1982 c 436 s 32

## 518C.33 INTRASTATE APPLICATION.

Subdivision 1. **Obligee and obligor both in this state.** Sections 518C.01 to 518C.36 apply if both the obligee and the obligor are in this state.

Subd. 2. **Procedure; duties.** If the court of the county in which the petition is filed finds that the petition sets forth facts from which it may be determined that the obligor owes a duty of support and finds that a court of another county in this state may obtain jurisdiction over the obligor or his property, the clerk of the court

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shall send the petition and a certification of the findings to the court of the county in which the obligor or his property is found. The clerk of the court of the county receiving these documents shall notify the prosecuting attorney of their receipt. The prosecuting attorney and the court in the county to which the copies are forwarded shall then have duties corresponding to those imposed upon them when acting for this state as a responding state.

**Subd. 3. Registration by obligee.** An obligee seeking to register a support order of the district court or of a county court of this state in a court of another county of this state shall transmit to the clerk of the court of the other county a certified copy of the order with all modifications thereof and a statement, signed and verified by the obligee, showing the post office address of the obligor, the amount of support remaining unpaid and a description and the location of any property of the obligor available upon execution. On receipt of these documents, the clerk of court shall file them, without requiring payment of a filing fee or other costs by the obligee. The filing constitutes registration under sections 518C.01 to 518C.36. Promptly on registration, the clerk of court shall proceed pursuant to section 518C.24, subdivision 2. The prosecuting attorney and the court in the county to which the documents are forwarded then shall have duties corresponding to those imposed upon them when acting for this state as a registering state.

**History:** 1982 c 436 s 33; 1983 c 308 s 29

## 518C.34 APPEALS.

If the commissioner of human services is of the opinion that a support order is erroneous and presents a question of law warranting an appeal in the public interest, he may:

(a) Perfect an appeal to the proper appellate court, if the support order was issued by a court of this state; or

(b) If the support order was issued in another state cause the appeal to be taken in the other state. In either case expenses of the appeal may be paid on his order from funds appropriated for his office.

**History:** 1982 c 436 s 34; 1984 c 654 art 5 s 58

## 518C.35 UNIFORMITY OF INTERPRETATION.

Sections 518C.01 to 518C.36 are to be so construed as to effectuate their general purpose to make uniform the law of those states that enact it.

**History:** 1982 c 436 s 35

## 518C.36 SHORT TITLE.

Sections 518C.01 to 518C.36 may be cited as the revised uniform reciprocal enforcement of support act.

**History:** 1982 c 436 s 36